



COMMONWEALTH of VIRGINIA
Office of the Attorney General
Richmond 23219

Kenneth T. Cuccinelli, II
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
804-371-8947 TDD

June 17, 2010

The Honorable David K. Paylor, Director
Virginia Department of Environmental Quality
629 East Main Street
Richmond, Virginia 23219

Re: Authority to Promulgate Final Amendment A10 to the Regulations for the Control and Abatement of Air Pollution, 9 VAC 5-30 *et seq.*

Dear Director Paylor:

I have reviewed the above-referenced regulatory amendment. It is my opinion that the State Air Pollution Control Board has authority to promulgate the regulation under applicable law, including Chapter 13 of Title 10.1 of the Code of Virginia and that the proposed amendment comports with applicable state law. Further, it is my opinion that the regulations meet the exemption set forth in Va. Code § 2.2-4006(A)(4)(c) as necessary to meet the requirements of the federal Clean Air Act and do not differ materially from the pertinent U.S. Environmental Protection Agency regulations.

If I may be of any further assistance to you relating to this matter, please do not hesitate to contact me.

Sincerely,

Kerri L. Nicholas
Assistant Attorney General